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DECLARATION AND POWER OF ATTORNEY
(Attorney Docket No.: 109111.114)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below adjacent to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**A SYSTEM FOR DETECTING BACTERIA IN BLOOD,
BLOOD PRODUCTS, AND FLUIDS OF TISSUES**

the specification of which:

☐ is attached hereto;

☒ was filed as United States Application Serial No. 09/616,283
on July 14, 2000 and was amended on _____ (if applicable).

☐ was filed as PCT International Application Number _____, on the ____ day of

☐ an English translation of which is filed herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international applications(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS
UNDER 35 U.S.C. § 119(a)-(d) or 365(a):**

| COUNTRY (if PCT indicate PCT) | APPLICATION NUMBER | DATE OF FILING | PRIORITY CLAIMED UNDER 35 U.S.C. §119 (YES/NO) |
|----------------------------------------------|---------------------------|-----------------------|---------------------------------------------------------------|
| | | | |

I hereby claim benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

| Application Number(s) | Filing Date (MM/DD/YYYY) | |
|------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| 60/144,442 | July 16, 1999 | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. |

I hereby claim the benefit under Title 35, United States Code § 120 of any United States Application or PCT International Application designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120**

| APPLICATION NUMBER | DATE OF FILING (day, month, year) | STATUS: (PATENTED, PENDING OR ABANDONED) |
|---------------------------|----------------------------------------------|-----------------------------------------------------|
| | | |

POWER OF ATTORNEY: As named inventor, I hereby appoint the following attorney(s) and/or agents to prosecute the above-identified application and transact all business in the Patent and Trademark Office connected therewith:

James B. Lampert
Wayne M. Kennard

Reg. No. 24,564
Reg. No. 30,271

| | |
|-----------------------|-----------------|
| Michael J. Bevilacqua | Reg. No. 31,091 |
| Hollie L. Baker | Reg. No. 31,321 |
| Henry N. Wixon | Reg. No. 32,073 |
| Anne-Louise Kerner | Reg. No. 33,523 |
| Wayne A. Keown | Reg. No. 33,923 |
| Rajesh Vallabh | Reg. No. 35,761 |
| Michael A. Diener | Reg. No. 37,122 |
| Donald R. Steinberg | Reg. No. 37,241 |
| Peter M. Dichiaro | Reg. No. 38,005 |
| Richard A. Goldenberg | Reg. No. 38,895 |
| Colleen Superko | Reg. No. 39,850 |
| Janice M. Klunder | Reg. No. 41,121 |
| Nancy Chiu | Reg. No. 43,545 |
| Jason A. Reyes | Reg. No. 41,513 |
| Keum J. Park | Reg. No. 42,059 |
| Ayla Lari | Reg. No. 43,739 |

All correspondence should be sent to:

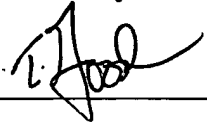
Wayne A. Keown, Esq.
Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109

Telephone No.: (617) 526-6000
Facsimile No.: (617) 526-5000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of inventor: Timothy T. Goodnow

Inventor's signature



Date

10/13/00

Residence: 93 Brookview Drive, North Andover, MA 01845

Citizenship: United States of America

Post Office Address: 93 Brookview Drive, North Andover, MA 01845



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Atty Docket No.: 109111.114)

Applicant(s) or Patentee(s): Timothy T. Goodnow

U.S. Serial No.: 09/616,283

Filed or Issued: July 14, 2000

For: A SYSTEM FOR DETECTING BACTERIA IN BLOOD, BLOOD PRODUCTS,
AND FLUIDS OF TISSUES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the
concern identified below:

NAME OF CONCERN: Verax Biomedical, Inc.
ADDRESS OF CONCERN: 3-E Gill Street
Woburn, Massachusetts 01801

I hereby declare that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR Part 121, and reproduced in 37 CFR 1.9 (d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "A SYSTEM FOR DETECTING BACTERIA IN BLOOD, BLOOD PRODUCTS, AND FLUIDS OF TISSUES" by inventor(s) Timothy T. Goodnow described in

☒ the specification filed July 14, 2000, U.S. serial no. 09/616,283

☐ provisional application U.S. serial no. _____, filed _____

☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

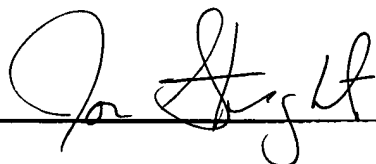
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING
TITLE OF PERSON OTHER THAN OWNER
ADDRESS OF PERSON SIGNING

Joe Straight
Chief Executive Officer
3-E Gill Street
Woburn, MA 01801

SIGNATURE _____



DATE 11/2/00